

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

L.S., on behalf of himself and all
others similarly situated, by his next
friend JASON MAURER,

Plaintiff,

v.

FRANKLIN COUNTY, CHIEF
JUDGE MELISSA MORGAN of the
Second Judicial Circuit Court,
DARLA FITZJERRELLS, Director of
Court Services of the Second
Judicial Circuit Court, and
LAVONDA PORTER, Acting
Superintendent of the Franklin
County Juvenile Detention Center,

Defendants.

Case No. 23-cv-02303-NJR

Hon. Nancy J. Rosenstengel

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**JOINT REPORT OF THE PARTIES AND PROPOSED
SCHEDULING AND DISCOVERY ORDER
(CLASS ACTION)**

Pursuant to Federal Rule of Civil Procedure 26(f), SDIL-LR 26.1, and SDIL-LR 23.1, an initial conference of the parties was held on November 27, 2023 with attorneys for all parties participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Discovery prior to Class Certification must be sufficient to permit the Court to determine whether the requirements of Federal Rule of Civil Procedure 23 are satisfied, including a sufficient inquiry into the merits of the case to ensure appropriate management of the case as a Class Action. Once class certification is decided, the Court will schedule an additional conference with the parties to address entering a new discovery order, addressing any additional merits discovery needed as necessary.
2. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil

Procedure 33 and 34 and SDIL-LR 33.1, shall be served on opposing parties by February 9, 2024.

3. Plaintiff(s) depositions shall be taken by April 19, 2024.
4. Defendant(s) depositions shall be taken by June 7, 2024.
5. Third Party actions must be commenced by February 26, 2024 (which date shall be no later than 90 days following the scheduling conference).
6. Expert witnesses for Class Certification, if any, shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff(s) expert(s): July 15, 2024.

Defendant(s) expert(s): September 16, 2024.

7. Depositions of Class Certification expert witnesses must be taken by:

Plaintiff(s) expert(s): August 16, 2024.

Defendant(s) expert(s): October 16, 2024.

8. The parties **CERTIFY** that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties ☒ do ☐ do not anticipate a need for an ESI protocol. The parties shall submit to the Court any joint proposed ESI protocol no later than February 9, 2024 (The protocol shall contain mechanisms for addressing necessary topics concerning ESI to include sources of information, search terms, format of production and preservation of ESI by both Plaintiff(s) and Defendant(s)).
9. Plaintiff(s) Amended Motion for Class Certification and Memorandum in Support, if any, shall be filed by July 15, 2024 (such date shall be no later than 8 months prior to the first day of the presumptive trial month or the first day of the month of the trial setting) and shall not exceed 40 pages.
10. Defendant(s) Memorandum in Opposition to Class Certification shall be filed by September 16, 2024 and shall not exceed 40 pages.
11. Plaintiff(s) Reply Memorandum, if any, must be filed by October 16, 2024 and shall not exceed 15 pages.
12. The Class Certification hearing, if any, will be set by separate notice.

13. The parties are reminded that, prior to filing any motions concerning discovery, they are first directed to meet and confer relating to any discovery disputes and then contact the Court to arrange a telephone discovery dispute conference. If the dispute cannot be resolved in the first conference, the Court will establish, with the input of the parties, the mechanism for submitting written positions to the Court on an expedited basis.

DATED: December 7, 2023

/s/Kevin M. Fee (w/consent)

Kevin M. Fee

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